

## REMARKS

This is in response to the Office Action mailed on October 24, 2008. All objections and rejections are respectfully traversed. Claims 1-6, 8, 10-22 and 29-34 are presently pending. 1-6, 8, 10-22 and 29-34 stand rejected. Claim 10 is currently amended.

### Claim Objections

Claim 10 was objected to for not properly depending on a previous claim. Claim 10 is currently amended to depend from claim 1. Reconsideration is respectfully requested.

### Rejections Under 35 U.S.C. §103

The Examiner rejected claims 1-6, 8, 10-14, 20, 22, 29-30 and 32-34 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2005/0144067 to Farahat *et al.* (“Farahat”) and further in view of U.S. Publication No. 2004/0117654 to Feldman *et al.* (“Feldman”). This rejection is respectfully traversed.

Claim 1 which is representative in part of the other rejected claims recites:

1. A method of detecting fraudulent Internet traffic sent from a first web site to a second web site comprising:

providing a first web site database having **a list of first web sites likely to send bad traffic**;

providing a hypertext link to the second web site on the first web site;

transferring an Internet user to an intermediate web site after the Internet user clicks on the hypertext link on the first web site;

gathering information at the intermediate web site from the Internet user **to determine if the first web site is found in the list of first web sites likely to send bad traffic**; and

performing at least one of the following steps:

providing a validation request to the Internet user if the first web site is found in the list of first web sites likely to send bad traffic; and

transferring the Internet user to the second web site if the first web site is not in the list of first web sites likely to send bad traffic.

The Examiner asserted that Farahat discloses “gathering information [Farahat, paragraphs 53, 56, 58 and 63] to determine if the first web site is found in the list of first web sites likely to send bad traffic Farahat, paragraphs 53, 56, 58 and 63].” (Office Action, page 3, lines 4 – 6). However, the Examiner also admitted that “Farahat does not specifically disclose providing a first web site database having a list of first web sites likely to send bad traffic; gathering information at the intermediate web site from the Internet user to determine if the first web site is found in the list of first web sites likely to send bad traffic.” (Office Action, page 3, lines 11 -14). The Examiner cited Feldman as disclosing in the same field of endeavor “maintaining a listing of possible unusual behavior lists of registered users [Feldman, paragraphs 51, 34 and 47]” (office action page 3, lines 14 – 16) and asserted that it would have been obvious to make a list of possible unusual behavior in order to monitor and filter out bad traffic.

Applicant respectfully submits that the lists described in Feldman, particularly in paragraph 51, for example, are “watch lists” of user identification on the basis of unusual behavior by registered users. Applicant’s claimed lists of web sites, such as affiliate web sites which are likely to send bad traffic are not suggested or disclosed by Feldman’s watch lists of registered users who exhibit unusual behavior. Contrary to the Examiner’s characterization, neither Feldman nor Farahat, alone or combined teach or suggest anything about “a list of websites likely to send bad traffic” as claimed in each of Applicant’s independent claims.

This distinction between Applicant’s claimed list of websites likely to send bad traffic and Feldman’s watch list was set forth in Applicant’s Amendment of August 7, 2008. The Examiner’s response indicated that Applicant’s arguments have been considered but are moot in view of the new ground(s) for rejection. However, the new grounds for rejection in which Farahat is combined with Feldman fail to overcome the deficiencies of Feldman, as indicated by the Examiner’s admission that Farahat does not disclose providing a first web site database having a list of first web site likely to send bad traffic.

Further, regarding claim 20, the Examiner erroneously asserted that Feldman, paragraphs 45 – 49 discloses “determining a language of the web browser [Feldman 48]; [and] determining an amount of time that the Internet user spends on the advertiser web site [Feldman, paragraphs 45 – 49].” (Office Action, page 6, lines 6 – 8). Contrary to the Examiner’s characterization, Applicant respectfully submits that neither these cited paragraphs nor any other portion of Feldman teaches or suggests either “determining a language of the web browser” or

“determining an amount of time that the Internet user spends on the advertiser web site” as claimed in independent claim 20.

The Examiner also erroneously asserted that Feldman discloses “determining a total amount of times that the affiliate web site causes the transmission of the advertiser web site to the Internet user [Feldman, paragraphs 46-49].” (Office Action, page 6, lines 10-11). Contrary to the Examiner’s characterization, paragraph 45 of Feldman recites “When monitoring, certain characteristics and events are watched for. These include, but are not restricted to, failed page requests, failures associated with forms or other system accesses, the recurrence of IP addresses seeking to the site, cookie modification and updates watch lists, the recurrence of user registration, profiles and other details...” (Feldman, paragraph 45, lines 1 – 7). Applicant respectfully submits that Feldman’s monitoring of user recurrence does not teach or suggest “determining a total amount of times that the affiliate web site causes the transmission of the advertiser web site to the Internet user” as particularly claimed in claim 20.

The Examiner rejected independent claim 29 under 35 U.S.C. §103(a) but failed to particularly address claim 29 or point out a reference which discloses each and every element of claim 29 including “electronically comparing the keyword search to the advertiser web site to determine if the keyword search is relevant to the advertiser web site.”

Since no combination of Farahat and Feldman teaches or suggests each element of Applicant’s independent claims 1, 20 or 29, Applicant respectfully submits that the rejections of claims 1-6, 8, 10-14, 20, 22, 29-30 and 32-34 under 35 U.S.C. §103(a) are improper and should be withdrawn. Reconsideration is respectfully requested.

Claims 15-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Farahat-Feldman and further in view of U.S. Publication No. 2005/0080856 to Kirsch (“Kirsch”). This rejection is respectfully traversed. Kirsch discloses a system for categorizing and processing emails. The Examiner erroneously indicated that “Kirsch discloses using a random sample [Kirsch, paragraph 78] and it would have been obvious “to use a random sample in order to test the validity of user access.” (Office Action, page 8, lines 3 – 5). Contrary to the Examiner’s characterization, Kirsch discloses releasing a random sample of emails and tracking the frequency at which the released emails are blacklisted. (Paragraph 78, lines 29 – 40). This does not teach or suggest randomly providing a validation request as claimed in claim 15. Applicant

further submits that since Kirsch has nothing to do with detecting bad traffic, persons having ordinary skill in the art would not be motivated to combine Kirsch with Farahat and/or Feldman.

Since no combination of Farahat, Feldman and/or Kirsch teaches or suggests each and every element of claim 15, and because claims 16 – 19 depend from claim 15, Applicant respectfully submits that the rejections of claims 15 – 19 under 35 U.S.C. §103(a) are improper and should be withdrawn. Reconsideration is respectfully requested.

Claims 21 and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Farahat-Feldman and further in view of U.S. Publication No. 2002/0069261 to Bellare *et al.* (“Bellare”). This rejection is respectfully traversed. Claim 21 which is representative in part of claim 31, recites:

“The method as claimed in claim 20 further comprising determining if the Internet user causes a mouse operably coupled to the Internet user web browser to move.”

The Examiner admitted that “Farahat-Feldman does not specifically disclose determining if the Internet user causes a mouse operably coupled to the Internet user web browser to move.” (Office Action, page 9, lines 4 – 6). The Examiner cited Bellare as disclosing “using a mouse for curser control on a display.” Bellare discloses methods and systems for delivering personalized content from a first server to a second server. (Abstract) The cited portion of Bellare recites “Another type of user input device may be user’s own voice or cursor control 423, such as a mouse, a trackball, or cursor direction keys.” (Paragraph 27, lines 7 – 11). Applicant respectfully submit that Bellare’s disclosure of a mouse for cursor control does not teach or suggest “determining if the Internet user causes a mouse operably coupled to the Internet user web browser to move” and nothing in the disclosures of Farahat, Feldman and/or Bellare teaches or suggests each element of claim 21 or claim 31. Applicant further submits that since Bellare has nothing to do with detecting bad traffic, persons having ordinary skill in the art would not be motivated to combine Bellare with Farahat and/or Feldman.

Since no combination of Farahat, Feldman and/or Bellare teaches or suggests each and every element of claim 21 or claim 31, Applicant respectfully submits that the rejections of claim 21 and claim 31 under 35 U.S.C. §103 are improper and should be withdrawn. Reconsideration is respectfully requested.

**CONCLUSION**

In view of the remarks set forth above, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is respectfully requested.

Respectfully submitted,

Date: 1/16/09

By: Joseph P. Quinn

Joseph P. Quinn

Reg. No. 45,029

Seyfarth Shaw LLP

Attorney for Applicant

Two Seaport Lane

Boston, MA 02210-2028

Phone: 617-946-4833

Fax: 617-946-4801

Email: bosippto@seyfarth.com